

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SHERRY DAMROW,	)	4:05CV3040
	)	
Plaintiff,	)	
	)	
vs.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
FIRST NATIONAL BANK OF	)	
HOLDREGE, KENNETH	)	
SLOMINSKY, ERIC TITUS,	)	
RONALD STERR, TIM WIEBE,	)	
JEANETTE HARDEN, KIRK	)	
RILEY, MARK UTTER, and	)	
DOUGLAS SCOTT LATTE,	)	
	)	
Defendants.	)	

This matter is before the court upon a motion by Phillip M. Kelly, Trustee of the Bankruptcy Estate of Dennis R. Damrow, for the substitution of parties and for additional time to respond to a pending motion to dismiss. (Filing 41.) The motion has been fully briefed and is ripe for decision.

Considering the submissions of the parties, it is unclear what the bankruptcy court has determined regarding Sherry Damrow's interest in this litigation, whether the decision of the bankruptcy court is final, and whether or not Sherry Damrow retains at least a portion of her claims in this case. I will grant the motion to the extent it seeks substitution of parties, and will direct that henceforth the plaintiffs in this case shall be "Phillip M. Kelly, as Trustee of the Bankruptcy Estate of Dennis R. Damrow, together with Sherry Damrow, as their interests may be established."

The motion also seeks additional time for the trustee to file a response to the pending motion to dismiss. I will deny the motion for additional time to respond as it is grossly untimely.

For the reasons stated above,

IT IS ORDERED:

1. I will grant the motion in filing 41 to the following extent: henceforth the plaintiffs in this case shall be “PHILLIP M. KELLY, as Trustee of the Bankruptcy Estate of DENNIS R. DAMROW, together with SHERRY DAMROW, as their interests may be established” and
2. The motion in filing 41 is otherwise denied.

February 3, 2006.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge